

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:08cv29**

PAUL FAGAN; and EVELYN FAGAN,)

Plaintiffs,)

Vs.)

ORDER

UNITRIN AUTO AND HOME)

INSURANCE COMPANY d/b/a)

KEMPER AUTO AND HOME, an)

insurance company organized under)

the laws of the State of Florida and)

doing business in the State of North)

Carolina,)

Defendant.)

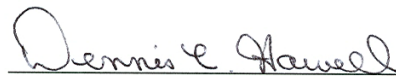
THIS MATTER is before the court on defendant's Motion to Stay Initial Attorney Conference and Discovery. While the court will allow the request, the court would ask respective counsel to consult with each other as to whether the Motion to Dismiss can be resolved amicably inasmuch as it appears that the motion is based on well settled law in North Carolina. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Stay Initial Attorney Conference and Discovery (#7) is **GRANTED**, and the requirements of

conducting an IAC and filing a CIAC are **STAYED** pending resolution or withdrawal of the Motion to Dismiss. The request to stay discovery is **DENIED** inasmuch as the Local Civil Rules do not provide for court sanctioned discovery before the Pretrial Order issues. L.Civ.R. 16.1(F).

Signed: November 6, 2008

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Dennis L. Howell
United States Magistrate Judge

